

Town of Buckeye

TO: All Concerned Parties
FROM: Phil Marcotte, Chief Building Official
DATE: May 10, 2010
RE: Removal of Moratorium on Development Fee Increases

Effective June 1, 2010 the Town of Buckeye will increase development fees per adopted Ordinance 20-09, approved by Mayor and Council on August 18, 2009. This is as a result of Arizona Governor Jan Brewer on April 26, 2010 signing House Bill 2478 changing the effective date to September 30, 2009, for the moratorium on development fee increases for municipalities.

Ordinance 20-09 adopts:

"New development impact fees for water resources and reclaimed water and adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation, and library for the Town of Buckeye; adopting the geographic zones related to assessment and collection of development fees for the Town of Buckeye; and amending the Buckeye Town Code, Chapter 18, relating to Development Fees."

Enclosed, you will find *Exhibit A to Ordinance No. 20-09: Development Impact Fee Schedule*, which illustrates the change in development fees. For all questions regarding removal of the moratorium on development fee increases, please contact the Town of Buckeye Building Safety Division at (623) 349-6200. Thank you for your cooperation in this matter.

Sincerely,

Phil Marcotte
Chief Building Official

Enclosed Attachments:

- House Bill 2478
- Ordinance 20-09
- Exhibit A to Ordinance No. 20-09: Development Impact Fee Schedule

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2478

AN ACT

AMENDING LAWS 2009, THIRD SPECIAL SESSION, CHAPTER 7, SECTION 41; RELATING TO
DEVELOPMENT FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Laws 2009, third special session, chapter 7, section 41 is
3 amended to read:

4 Sec. 41. Development fees; moratorium; retroactivity

5 A. Notwithstanding any other law, beginning ~~June 30, 2009~~ SEPTEMBER 1,
6 2009 through ~~June 30, 2011~~, JUNE 30, 2012, a municipality shall not:

7 1. Impose any new development fees pursuant to section 9-463.05,
8 Arizona Revised Statutes.

9 2. Increase any existing development fees authorized by section
10 9-463.05, Arizona Revised Statutes.

11 B. FOR THE PURPOSES OF THIS SECTION, THE DATE OF THE IMPOSITION OF A
12 NEW DEVELOPMENT FEE OR AN INCREASE IN AN EXISTING DEVELOPMENT FEE SHALL BE
13 THE DATE OF THE FINAL ACTION BY THE MUNICIPALITY'S GOVERNING BODY IF ADOPTED
14 ON OR AFTER MARCH 1, 2009 AND BEFORE SEPTEMBER 1, 2009.

15 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, ANY FEES PAID OR
16 CHARGED ON AND AFTER JUNE 29, 2009 UNTIL THE EFFECTIVE DATE OF THIS ACT SHALL
17 NOT BE RETROACTIVELY INCREASED.

18 ~~B.~~ D. This section, ~~is effective~~ AS AMENDED BY THIS ACT, APPLIES
19 retroactively to from and after ~~June 29, 2009~~ AUGUST 31, 2009.

ORDINANCE NO. 20-09

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, ADOPTING NEW DEVELOPMENT IMPACT FEES FOR WATER RESOURCES AND RECLAIMED WATER AND ADJUSTED DEVELOPMENT IMPACT FEES FOR WATER, SEWER, POLICE, FIRE AND EMERGENCY MEDICAL SERVICES, GENERAL GOVERNMENT, PARKS AND RECREATION, AND LIBRARY FOR THE TOWN OF BUCKEYE; ADOPTING GEOGRAPHIC ZONES RELATED TO ASSESSMENT AND COLLECTION OF DEVELOPMENT FEES FOR THE TOWN OF BUCKEYE; AND AMENDING THE BUCKEYE TOWN CODE, CHAPTER 18, RELATING TO DEVELOPMENT FEES.

WHEREAS, the Town received two reports from Red Oak Consulting entitled “Utility Development Fees – Water, Wastewater, Water Resources and Reclaimed Water – Final June 2009” and “Non-Utility Development Fees – Library, Park, Police, Fire and General Government – Final June 2009” (collectively, the “Development Fee Study”) containing the studies and analysis required by A.R.S. § 9-463.05 for the adoption of new development impact fees for water resources and reclaimed water and adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation, and library; and

WHEREAS, the Town released an initial draft of the Development Fee Study for public comment in October of 2008. Numerous meetings were held to receive input from the public and interested stakeholders from the development community between October of 2008 and July of 2009; and

WHEREAS, as a result of the numerous meetings with development community stakeholders, the Development Fee Study was significantly amended, including establishment of zones covering different geographical areas of the Town; and

WHEREAS, a notice of intention to assess new or adjusted development impact fees was given as required by A.R.S. § 9-463.05(C); and

WHEREAS, a public hearing concerning the adoption of the new and adjusted development impact fees was held in accordance with A.R.S. § 9-463.05(C) on July 7, 2009; and

WHEREAS, the Development Fee Study identifies the methodologies used to calculate the development impact fees, explains the relationships between the development impact fees and the applicable infrastructure improvement plans, includes documentation that supports the assessment of new and modified development impact fees, and identifies the index to be used for automatic annual adjustment of the development impact fees; and

WHEREAS, the Development Fee Study supports the conclusion that the new development impact fees for water resources and reclaimed water and adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government,

parks and recreation and library, as set forth therein, offset costs to the Town associated with providing these necessary public services to new development in the Town; and

WHEREAS, the streets development impact fee currently assessed is unchanged and shall remain in full force and effect; and

WHEREAS, the Town Council desires to amend Chapter 18 of the Town Code relating to implementation of development impact fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Buckeye, Arizona, as follows:

Section 1. The Town Council finds, after due consideration of the burden imposed on the Town by developments, including, but not limited to, consideration of the contribution made or to be made in the future in cash or by taxes, fees or assessments by the property owner towards the capital costs of the necessary public services covered by the development impact fees presented by the Development Fee Study, that the Development Fee Study fully supports the conclusion the new development impact fees for water resources and reclaimed water and adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation and library fully and fairly offset costs to the Town associated with providing these necessary public services to new development in the Town.

Section 2. Pursuant to A.R.S. § 9-463.05 and Chapter 18 of the Buckeye Town Code, the new development impact fees for water resources and reclaimed water, the adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation, and library, and the existing development impact fee for streets are herein adopted as set forth in Exhibit A, attached hereto and incorporated herein by this reference. The new and adjusted development fees adopted hereby supercede and replace any existing development fee assessed by the Town, as of the effective date of the newly adopted fees.

Section 3. The new and adjusted development impact fees assessed by this Ordinance shall be imposed and collected pursuant to the provisions of Chapter 18 of the Buckeye Town Code.

Section 4. The new development impact fees for water resources and reclaimed water and the adjusted development impact fees for water, sewer, police, fire and emergency medical services, general government, parks and recreation and library, adopted pursuant to this Ordinance, shall become effective seventy-five (75) days after the date of adoption of this Ordinance, in accordance with A.R.S. § 9-463.05(C). The streets development impact fee is unchanged from the amount previously adopted by the Town Council and, therefore remains in full force and effect and shall not be subject to the delayed effective date set forth above for the new and adjusted development impact fees.

Section 5. For the purpose of assessing and collecting development impact fees, the Town of Buckeye is hereby divided into five geographic zones, as described and depicted in Exhibit B, attached hereto and incorporated herein by this reference.

Section 6. The Buckeye Town Code, Chapter 18, Development Fees, is hereby deleted in its entirety and replaced with the following:

CHAPTER 18
DEVELOPMENT FEES

Section 18-1 Adoption Procedure.

- (A) The Town Council shall, from time to time, adopt by ordinance or resolution, after proper notice and hearing pursuant to A.R.S. § 9-463.05, as amended, a development impact fee schedule setting the rate of development impact fees to be charged when building permits are issued for new construction for single family residential, multi-family residential, commercial, industrial, and institutional (where applicable) uses to cover the cost to the Town of Buckeye for providing necessary public services. The development impact fees adopted shall apply to all development within any service area in the Town.
- (B) For the purpose of assessing and collecting development impact fees, the Town is hereby divided into five geographic zones, as described and depicted in Ordinance 20-09, adopted by the Town Council on August 18, 2009, and as may be amended by the Town Council in conjunction with future development impact fee studies.
- (C) Prior to assessment of a new or modified development impact fee in a service area, the Town shall prepare a development impact fee study that identifies the methodology for calculating the amount of the development impact fee, explains the relationship between the development impact fee and the infrastructure improvements plan related to that service area, includes documentation that supports the assessment of a new or modified development impact fee and identifies any index or indices to be used for automatic adjustment of the development impact fee and the timing of those adjustments.
- (D) Prior to assessment of a new or modified development impact fee in a service area, the Town shall adopt an infrastructure improvements plan for that service area which plan shall be prepared, adopted and amended in accordance with A.R.S. § 9-463.05, as amended. The infrastructure improvements plan may be amended by the Town Council, pursuant to A.R.S. § 9-463.05(D)(2), as amended, to substitute certain infrastructure for infrastructure included in the adopted infrastructure improvements plan as long as (1) the substituted infrastructure serves the same category of necessary public service as the infrastructure to be removed and (2) the amount of the associated development impact fee will not require adjustment.

Section 18-2 Annual Development Impact Fee Adjustment.

- (A) Pursuant to A.R.S. § 9-463.05(F), as amended, and the Development Fee Study, the development impact fees adopted by the Town Council according to this section will automatically adjust for inflation using the Engineering News Record - 20 City Construction Cost Index (ENR-CCI) on the first day of each Fiscal Year. The Town shall provide public notice of such annual adjustments at least thirty (30) days in advance of their July 1 effective date.
- (B) The amounts of the development impact fees as adjusted in the manner set forth above shall be set forth in a revised development impact fee schedule.

Section 18-3 Collection of Development Impact Fees.

- (A) Development impact fees shall be due and collected at the time of issuance of all building permits, unless such later date is agreed to by the Town as part of an approved development agreement. In the event a building permit has expired for any reason, and development impact fees have been collected in connection with the issuance of such permit, an application may be submitted on a form(s) provided by the Town within thirty (30) days of the date of expiration for a refund of the development impact fees paid. A non-refundable administrative fee of five hundred dollars (\$500.00) shall be submitted with each such application. Development impact fees shall thereafter be due and collected upon re-issuance of any expired building permit.
- (B) Where the Town is imposing a development impact fee for public infrastructure on land in a community facilities district pursuant to Arizona Revised Statutes, Title 48, Chapter 4, Article 6, the Town shall take into account all public infrastructure provided by the district and shall not assess a portion of the development impact fee based on the infrastructure provided.

Section 18-4 Credit Mechanism.

- (A) Eligibility. Pursuant to A.R.S. §§ 9-463.05(B)(3) and (6), in cases where a person or entity (the "Developer") is required by the Town to dedicate public sites and/or construct, install and dedicate public improvements for which a development impact fee is also being imposed, and the Developer has (i) dedicated the public site, (ii) constructed such improvement in accordance with the Town's standards, or (iii) if agreed to by the Town in its sole discretion, deposited with the Town in an irrevocable escrow financial assurances in a form and in an amount acceptable to the Town, in its sole discretion (collectively, items described in clauses (i), (ii) and (iii) are referred to as "Dedicated Improvements"); the Developer shall be eligible for a credit against all or a portion of the development impact fee paid by submitting an application for such credit as provided in this section. In no event

shall the amount of credit exceed the amount of the applicable development impact fee.

1. The right to claim credits shall run with the land served by the Dedicated Improvements and any and all credit(s) issued hereunder shall be applied solely to offset the applicable development impact fee(s) assessed against the land served by the Dedicated Improvements.
 2. Developers applying for a credit shall pay the full amount of all applicable development impact fees at the time building permits are issued or, if applicable, at the time set forth in the development agreement, and the Town shall deposit the receipts in a separate account of the applicable development impact fee fund(s) from which any credits due to the Developer shall be refunded following final credit approval by the Town provided, however, that if a final credit determination has been made by the Town as set forth below, the Developer shall be entitled to an offset against any development impact fee otherwise due and payable.
 3. Credits will only be granted to the Developer that owns or controls the land served by the Dedicated Improvements and who constructs or provides the Dedicated Improvements that serve such land, unless such Developer assigns in writing, in a form acceptable to the Town, such credits to a subsequent owner, or lessee of the land served by the Dedicated Improvements, as provided hereafter. Only that Developer or assignee is permitted to request the distribution of credits. However, once credits have been distributed to a particular parcel of land to reduce future development impact fees associated with building permits on that land, the credit cannot be transferred from the parcel and will be assumed to transfer to any subsequent owner or lessee.
 4. If the Developer that constructs or provides infrastructure or land sells or relinquishes its property prior to credits being allocated to one or more parcels, credits can only be allocated if both that entity and the subsequent owner or lessee of the property authorize, in such written form as approved by the Town pursuant to section 18-4(B)(3) above, the distribution of the credits to the subsequent owner or lessee.
 5. If multiple entities jointly provide Dedicated Improvements, any request for the distribution of credits to one or more parcels through the use of credit agreements or development agreements must be made to the Town jointly by the entities that provided the Dedicated Improvements.
- (B) Application. An application for credits shall be submitted as soon as practicable in the development approval process and no later than the date of collection of the development impact fee on a form(s) provided by the Town. The application

shall contain a statement of the facts which qualify the Developer for the credits, accompanied by the relevant documentary evidence deemed necessary by the Town, acting in its sole discretion. The application shall, at a minimum, include the following information:

1. In the case of dedications of public sites, the actual cost or estimated value of the public site for which development impact fees are imposed.
2. In the case of dedications of public improvements or facilities, the applicable amounts, quantities or lengths of the public improvements or facilities constructed by the Developer for which development impact fees are imposed.
3. In all cases, the boundaries of the property served by the Dedicated Improvements for which credits are claimed, any project name, the number of proposed lots/units of residential development, the proposed square footage of non-residential development and the proposed water meter sizes and number of each such meter for residential and non-residential development.

The Town reserves the right to (i) reject any and all information provided in the application if it determines, in its sole discretion, that such information is inaccurate or unreliable; and (ii) require the submission by the Developer of any additional, alternative or supplemental information.

(C) Preliminary Credit Determination. The Town shall make a preliminary determination of the amount of credits to be issued to the Developer using the information provided in the application as follows:

1. For dedicated land, a preliminary credit determination shall be based on the fair market value on the date of transfer of ownership to the Town based on an independent appraisal (preliminary or final), in a form acceptable to the Town, performed by a certified MAI appraiser approved by the Town.
2. For dedicated public improvements or facilities, a preliminary credit determination shall be based on the applicable development impact fee cost components of designing, constructing and installing the public improvement or facility for which credits are sought as set forth in the Development Fee Study.
3. The Town shall issue a preliminary credit determination after its receipt and review of a completed application including all required additional, alternative or supplemental information. The issuance of a preliminary

credit determination shall have no binding effect and is subject to change prior to issuance of a final credit determination.

- (D) Final Credit Approval. Final approved credits shall become effective as follows:
1. Final approved credits for land dedications shall not become effective until (a) the Developer has submitted to the Town and the Town has accepted a final appraisal of the fair market value of the land as of the date of transfer of ownership to the Town based on an independent appraisal, in a form acceptable to the Town, performed by a certified MAI appraiser approved by the Town, and (b) the land has been dedicated to the Town in a form acceptable to the Town and at no cost to the Town and has been accepted by the Town.
 2. Final approved credits for public improvements or facilities shall not become effective until (a) all required construction and/or installation has been fully completed, dedicated and accepted by the Town, (b) the Developer has submitted to the Town and the Town has approved certified as-built plans and drawings and all applicable lien waivers, (c) a suitable maintenance and warranty bond has been received and approved by the Town, and (d) all design, construction, inspection, testing, bonding and acceptance procedures have been completed in compliance with all applicable Town and other governmental requirements. The Town reserves the right to require submission by the Developer of any additional, further or alternative plans, drawings, specifications or other data deemed necessary to determine the appropriate amount of credit.
 3. In cases where the Developer has provided an irrevocable escrow of financial assurances in a form and in an amount acceptable to the Town, in its sole discretion, final approved credits for public improvements or facilities shall become effective upon the deposit and acceptance by the Town of the irrevocable escrow.
 4. When all required conditions have been met, as determined by the Town in its sole discretion, the Town shall issue a letter to the Developer stating the amount of the final credits approved. The Town shall issue a refund to the Developer in the amount of such final credits within thirty (30) days after the date of issuance of the letter.
- (E) Credits for Prior Actions in Partially Completed Developments. Developers may also be eligible for credits as provided in paragraph (A) of this section for Dedicated Improvements that were fully completed and accepted by the Town between January 1, 2005 and August 18, 2009 (the "Prior Improvements"), and may use such credits to reduce development impact fee(s) due after August 18, 2009, relating to land served by the Prior Improvements which are intended to be

served by the unused capacity of such Prior Improvements. The credit shall be reduced by the same percentage as the percent of the amount of the applicable development impact fee(s) that would have been charged in connection with the building permits previously issued for the completed portion of the project if Ordinance No. 20-09 had been in effect bears to the total amount of applicable development impact fees, both past and future, collected from the project served by the Prior Improvements. Application for such credits must be submitted on a form(s) provided by the Town. Developers must comply with all other provisions of this Section. No credits will be issued where projects served by the Prior Improvements are fully completed.

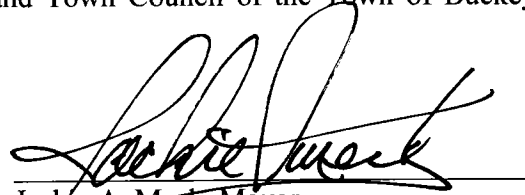
- (F) Oversized Improvements. Credits, if any, for oversizing of infrastructure will only be available as set forth in a development agreement between the Town and the Developer pursuant to A.R.S. § 9-500.05, as amended.
- (G) Appeals to Town Council. If a Developer believes that insufficient credits have been allowed, the developer may appeal to the Town Council. If an appeal is filed, the Town Council shall hear it at a regular or special council meeting and at such meeting, the Town Council shall consider all public sites or public improvements, for which a development impact fee is also being imposed, that the Developer has been required to dedicate, as well as any public infrastructure or capital costs paid by any community facilities district to ensure that the Developer has received sufficient credits. The Town Council may continue the appeal hearing for a period not to exceed thirty (30) days on its own motion or upon the request of either the Developer or Town staff.

Section 7. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

TOWN OF BUCKEYE ORD. NO. 20-09
PAGE 9
August 18, 2009

PASSED and ADOPTED by the Mayor and Town Council of the Town of Buckeye,
Arizona this 18th day of August, 2009.



Jackie A. Meck, Mayor

ATTEST:



Lucinda Aja, Town Clerk

APPROVED AS TO FORM:



Scott W. Ruby, Town Attorney

**EXHIBIT A
TO
ORDINANCE NO. 20-09**

[Development Fee Schedule]

See following pages.

Water, Wastewater, Water Resources, and Reclaimed Water Development Fees¹

¹ Zone 4 and Zone 5 do not have any utility infrastructure planned for the period covered by the June 2009 Development Fee Study and, therefore, no water, wastewater, water resources or reclaimed water fees have been assessed. Prior to any new construction in Zone 4 and Zone 5 requiring utility infrastructure, a revised infrastructure improvements plan and development fee study will be required to be established the appropriate fee for each.

Zone 1

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$3,395	\$4,042	\$294	\$127	\$7,858
1.5 Displacement	4,243	5,053	370	160	9,826
2.0 Displacement	8,487	10,105	740	320	19,652
2.0 Comp or Turb.	13,579	16,169	1,180	510	31,438
3.0 Compound	27,158	32,338	2,350	1,020	62,866
3.0 Turbine	29,704	35,369	2,570	1,110	68,754
4.0 Compound	42,435	50,527	3,680	1,590	98,232
4.0 Turbine	50,922	60,633	4,410	1,910	117,875
6.0 Compound	84,870	101,055	7,350	3,180	196,454
6.0 Turbine	106,087	126,319	9,190	3,970	245,566
8.0 Compound	135,791	161,688	11,760	5,080	314,319
8.0 Turbine	152,765	181,899	13,230	5,720	353,614

Zone 2

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$2,280	\$5,861	\$294	\$127	\$8,562
1.5 Displacement	2,850	7,326	370	160	10,706
2.0 Displacement	5,700	14,652	740	320	21,412
2.0 Comp or Turb.	9,121	23,443	1,180	510	34,253
3.0 Compound	18,241	46,886	2,350	1,020	68,497
3.0 Turbine	19,951	51,281	2,570	1,110	74,913
4.0 Compound	28,502	73,259	3,680	1,590	107,031
4.0 Turbine	34,202	87,911	4,410	1,910	128,433
6.0 Compound	57,004	146,518	7,350	3,180	214,051
6.0 Turbine	71,254	183,147	9,190	3,970	267,562
8.0 Compound	91,206	234,429	11,760	5,080	342,474
8.0 Turbine	102,606	263,732	13,230	5,720	385,289

Zone 3

All Development Meter Size/Type (inches)	Water	Wastewater	Water Resources	Reclaimed Water	Total
1.0 or less (all types)	\$4,472	\$4,313	\$294	\$127	\$9,206
1.5 Displacement	5,590	5,391	370	160	11,511
2.0 Displacement	11,180	10,782	740	320	23,022
2.0 Comp or Turb.	17,888	17,252	1,180	510	36,829
3.0 Compound	35,775	34,504	2,350	1,020	73,649
3.0 Turbine	39,129	37,738	2,570	1,110	80,547
4.0 Compound	55,898	53,912	3,680	1,590	115,081
4.0 Turbine	67,078	64,695	4,410	1,910	138,093
6.0 Compound	111,797	107,824	7,350	3,180	230,151
6.0 Turbine	139,746	134,780	9,190	3,970	287,686
8.0 Compound	178,875	172,519	11,760	5,080	368,234
8.0 Turbine	201,235	194,084	13,230	5,720	414,268

Non-Utility Development Fees – Library, Park, Police, Fire, and General Government All Zones

Residential (per unit)	Parks & Recreation	Library	Police	Fire/EMS	Streets	General Government	Total
Single Family Detached	\$1,909	\$535	\$506	\$1,178	\$319	\$522	\$4,969
All other Housing Types	\$1,441	\$404	\$382	\$889	\$166	\$393	\$3,675
Nonresidential (per 1,000 sf)							
Com / Shop Ctr 25,000 SF or less	NA	NA	\$592	\$1,378	\$1,619	\$611	\$4,200
Com / Shop Ctr 25,001- 50,000 SF	NA	NA	\$592	\$1,378	\$1,501	\$611	\$4,082
Com / Shop Ctr 50,001- 100,000 SF	NA	NA	\$592	\$1,378	\$1,314	\$611	\$3,895
Com / Shop Ctr 100,001- 200,000 SF	NA	NA	\$592	\$1,378	\$1,137	\$611	\$3,718
Com / Shop Ctr over 200,000 SF	NA	NA	\$592	\$1,378	\$976	\$611	\$3,557
Office / Inst 10,000 SF or less	NA	NA	\$592	\$1,378	\$756	\$611	\$3,337
Office / Inst 10,001-25,000 SF	NA	NA	\$592	\$1,378	\$612	\$611	\$3,193
Office / Inst 25,001-50,000 SF	NA	NA	\$592	\$1,378	\$522	\$611	\$3,103
Office / Inst 50,001-100,000 SF	NA	NA	\$592	\$1,378	\$445	\$611	\$3,026
Office / Inst over 100,000 SF	NA	NA	\$592	\$1,378	\$379	\$611	\$2,960
Business Park	NA	NA	\$592	\$1,378	\$425	\$611	\$3,006
Light Industrial	NA	NA	\$415	\$965	\$232	\$428	\$2,040
Warehouse	NA	NA	\$415	\$965	\$165	\$428	\$1,973
Manufacturing	NA	NA	\$415	\$965	\$127	\$428	\$1,935

**EXHIBIT B
TO
ORDINANCE NO. 20-09**

[Zone Description and Map]

See following pages.

TOWN OF BUCKEYE

ZONE DESCRIPTIONS

Associated With

2009 DEVELOPMENT FEES

Zone 1

Beginning at the centerline of the Watson Road alignment where it intersects the southern floodplain limit line for the Gila River;
Thence Southwesterly along the south side of the Gila River to a point on the centerline of State Route 85 where it intersects the South line of Section 24, Township 1 South, Range 4 West;
Thence Northerly along the centerline of State Route 85 to a point on the centerline of the Buckeye Canal;
Thence Westerly along the centerline of the Buckeye Canal to the centerline of Turner Road;
Thence North along the centerline of Turner Road to the centerline of Interstate Highway 10;
Thence Easterly along the centerline of Interstate Highway 10 to a point where the alignment of Yuma Road intersects the centerline of Interstate Highway 10, which point lies on the South line of Section 8, Township 1 North, Range 3 West;
Thence East along the centerline of Yuma Road to the intersection of Watson Road;
Thence South along the centerline of Watson Road to the centerline of the Lower Buckeye Road alignment;
Thence East along the centerline of the Lower Buckeye Road alignment to the mid-section line of Section 22, Township 1 North, Range 3 West;
Thence South along said mid-section line to the centerline of the Roosevelt Irrigation District Main Canal;
Thence Easterly along the centerline of the Roosevelt Irrigation District Main Canal to the point where it intersects the centerline of Perryville Road;
Thence South along the centerline of Perryville Road to a point on the southern floodplain limit line for the Gila River;
Thence Westerly along the southern floodplain limit line for the Gila River to the centerline of the Watson Road alignment and the Point of Beginning.

Zone 2

Beginning at a point on the centerline of State Route 85 where it intersects the South line of Section 24, Township 1 South, Range 4 West;
Thence Westerly along the southern floodplain limit line for the Gila River to a point on the West line of Section 26, Township 1 South, Range 5 West;
Thence North along said East line to the Northwest corner of said Section 26;
Thence East along the North line of said Section 26 to a point on the Western floodplain limit line of the Hassayampa River;
Thence Northerly along said Western floodplain limit line to a point on the centerline of Interstate Highway 10;

Thence Easterly along the centerline of Interstate Highway 10 to a point on the centerline of Turner Road alignment;
Thence Southerly along the centerline of Turner Road alignment to a point on the centerline of the Buckeye Canal;
Thence Easterly along the centerline of the Buckeye Canal to the centerline of State Route 85;
Thence Southerly along the centerline of State Route 85 to the Point of Beginning.

Zone 3

That portion of the incorporated area of the Town of Buckeye lying East of the Western floodplain limit line of the Hassayampa River and North of the following described line:

Beginning at the intersection of the centerline of Interstate Highway 10 and the Western floodplain limit line of the Hassayampa River;
Thence Easterly along the centerline of Interstate Highway 10 to a point where the alignment of Yuma Road intersects the centerline of Interstate Highway 10, which point lies on the South line of Section 8, Township 1 North, Range 3 West;
Thence East along the centerline of Yuma Road to the intersection of Watson Road;
Thence South along the centerline of Watson Road to the centerline of the Lower Buckeye Road alignment;
Thence East along the centerline of the Lower Buckeye Road alignment to the mid-section line of Section 22, Township 1 North, Range 3 West;
Thence South along said mid-section line to the centerline of the Roosevelt Irrigation District Main Canal;
Thence Easterly along the centerline of the Roosevelt Irrigation District Main Canal to the point where it intersects the centerline of Perryville Road.

Zone 4

That portion of the incorporated area of the Town of Buckeye lying West of the Western floodplain limit line of the Hassayampa River.

Zone 5

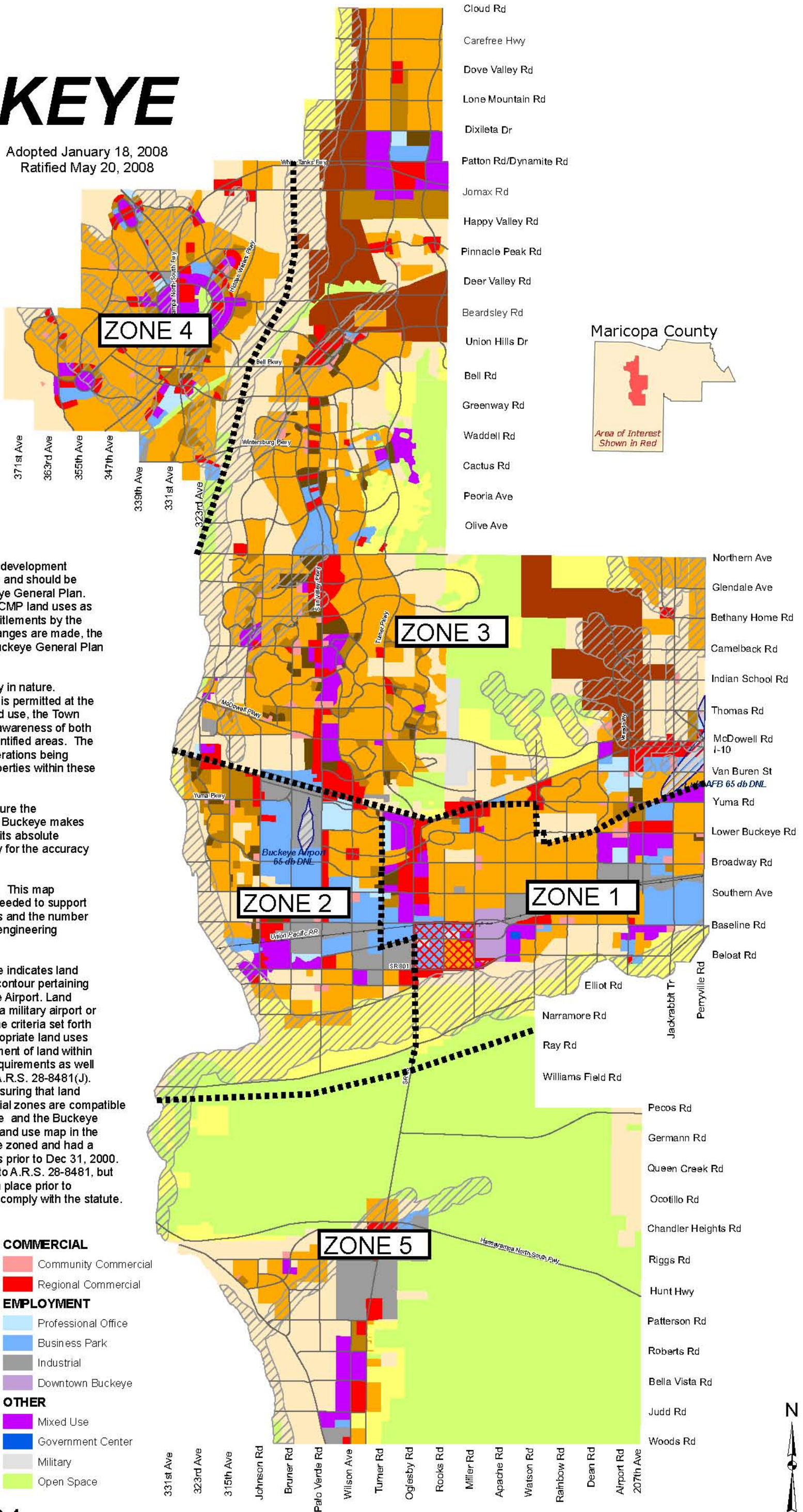
That portion of the incorporated area of the Town of Buckeye lying South of the following described line:

Beginning at the point of intersection of the Southern floodplain limit line for the Gila River with the West line of Section 26, Township 1 South, Range 5 West;
Thence Easterly along the Southern floodplain limit line for the Gila River to the centerline of the Watson Road alignment.

* * * * *

Town of
BUCKEYE

Adopted January 18, 2008
Ratified May 20, 2008



Notes:

All Community Master Plans (CMP) and development agreements remain as valid entitlements and should be referred to in conjunction with the Buckeye General Plan. The Land Use Map strives to reflect the CMP land uses as accurately as possible. The adopted entitlements by the Town of Buckeye are valid and if any changes are made, the policies and guidelines outlined in the Buckeye General Plan will be followed.

Floodway Transitional Areas are advisory in nature. Though development within these areas is permitted at the level of the designated General Plan land use, the Town wishes to emphasize the importance of awareness of both the hazards and sensitivities in these identified areas. The Town strongly encourages these considerations being addressed in development plans for properties within these areas.

While every effort has been made to ensure the accuracy of this information, the Town of Buckeye makes no warranty, expressed or implied, as to its absolute accuracy and expressly disclaims liability for the accuracy thereof.

Arterial / River crossings are conceptual. This map demonstrates the number of crossings needed to support development at build-out. Final locations and the number of crossings will be determined through engineering and water studies.

Town of Buckeye General Plan Land Use indicates land within the 65 day-night noise level (dnl) contour pertaining to Luke Air Force Base and the Buckeye Airport. Land within the designated 65 dnl adjacent to a military airport or ancillary military facility is restricted by the criteria set forth in A.R.S. 28-8481(J) which outlines appropriate land uses for such land. Any General Plan Amendment of land within these areas must also comply with all requirements as well as the compatible land uses outlined in A.R.S. 28-8481(J). The Town of Buckeye is committed to ensuring that land uses in the high noise or accident potential zones are compatible with the operation of Luke Air Force Base and the Buckeye Airport. Residential uses shown on the land use map in the 65 dnl area for Luke Air Force Base were zoned and had a development plan in place for those uses prior to Dec 31, 2000. These properties continue to be subject to A.R.S. 28-8481, but the development plans that have been in place prior to December 31, 2000 for these properties comply with the statute.

- | | | | |
|---|--|---|---|
|  | Floodway Transitional Areas |  | COMMERCIAL
Community Commercial |
|  | 65 db noise contour |  | Regional Commercial |
|  | Downtown Expansion Area |  | EMPLOYMENT
Professional Office |
|  | RESIDENTIAL
Very Low Density 0-1 du/ac |  | Business Park |
|  | Low Density 1.01-3 du/ac |  | Industrial |
|  | Medium Density 3.01-6 du/ac |  | Downtown Buckeye |
|  | Medium High Density 6.01-10 du/ac |  | OTHER
Mixed Use |
|  | High Density 10.01-15 du/ac |  | Government Center |
|  | Master Planned Community |  | Military |
| | |  | Open Space |

FIGURE 3-4

TOWN OF BUCKEYE GENERAL PLAN LAND USE

One Town, One Vision!

General Plan and Development Code

